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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,997	01/08/2002	Petri Jaakko Johannes Visuri	013A.0001.U1(US)	4370
29683	7590	11/29/2005	EXAMINER	
HARRINGTON & SMITH, LLP			DUONG, DUC T	
4 RESEARCH DRIVE			ART UNIT	
SHELTON, CT 06484-6212			PAPER NUMBER	
			2663	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/030,997

Applicant(s)

VISURI

Examiner

Duc T. Duong

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/08/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tso et al (US Patent 6,047,327).

Regarding to claims 1 and 13, Tso discloses a two-way communication system for providing an interactive program service comprising at least one first terminal 5-11 for representing the program, a second terminal 23-25 of a user of the service, and a sender 17 of the program (fig. 1-2 col. 3 lines 49-55), characterized in that said arrangement is arranged to send options (infobite) to said second terminal 23-25 for user to choose suitable control data (fig. 5 col. 14 lines 9-15), said communication system comprises a forwarding node 41 for transferring transmission control data from the second terminal 23-25 to the sender 17 of the program (fig. 3 col. 3 lines 55-60), said sender 17 of the program comprises means 61 for determining the contents of the transmission automatically according to said control data (fig. 3 col. 10 lines 41-61).

Regarding to claims 2 and 14, Tso discloses the first terminal 5-11 is a radio receiver (fig. 2 col. 4 lines 15-19).

Regarding to claims 3 and 15, Tso discloses the second terminal 23-25 is a mobile communication device (fig. 2 col. 4 lines 15-19).

Regarding to claims 4 and 16, Tso discloses first terminal is second terminal (fig. 2 col. 4 lines 15-19).

Regarding to claims 5 and 17, Tso discloses the forwarding node 41 is a public server to which any user of the program service may send (fig. 2 col. 3 lines 49-55).

Regarding to claims 6 and 18, Tso discloses the transmission is realized in file format, characterized in that said forwarding node 41 is a user-specific service page (fig. 2 col. 3 lines 8-33), said communication system comprises the user's network address (col. 18 lines 14-21), and means for transferring transmission files from the sender to said network address, and vice versa (col. 18 lines 21-26).

Regarding to claim 7, Tso discloses the transmission control data are selections of options associated with a given transmission (fig. 5 col. 15 lines 4-11).

Regarding to claim 8, Tso discloses the transmission control data are selections for the whole transmission (fig. 5 col. 15 lines 4-11).

Regarding to claim 9, Tso discloses in addition to the program transmission the sender sends response information to the user (fig. 5 col. 15 lines 12-17).

Regarding to claim 10, Tso discloses the response information is delivered in the form of SMS message (col. 14 lines 16-21).

Regarding to claim 11, Tso discloses the transmission data and transmission control data are placed in frames according SMS protocol on the application layer (col. 11 lines 19-35).

Regarding to claim 12, Tso discloses the transmission is a radio transmission (fig. 2 col. 4 lines 15-19).

Regarding to claim 19, Tso discloses the terminal is a mobile station (fig. 2 col. 4 lines 15-19).

Regarding to claims 8 and 20, Tso discloses the network address is the user's IP address (col. 18 lines 14-21).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tso.

Regarding to claim 21, Tso discloses all the limitations with respect to claim 18, except the transmission is a XDSL, ADSL, or UMTS broadband channel. However, it would have been obvious to a person of ordinary skill in the art to employ such broadband channel for transmission since such channel is well known and implemented in various communication systems.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DD

  
RICKY Q. NGO  
SUPERVISORY PATENT EXAMINER